

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

Jeffrey M. Ness, v.))	Case No. 13-185 (JNE/TNL)
John Doe et al. <i>consolidated with</i>))	
Theresa Jolene Davis-Dowling, et al., v.))	Case No. 13-389 (RHK/AJB)
State of Minnesota Department of Natural Resources, et al.))	
Katherine Sapp, et al., v.))	Case No. 13-286 (PAM/SER)
John Hunt, et al.))	
Thomas Whigham, et al. v.))	Case No. 13-208 (JRT/JSM)
Minnesota Department of Natural Resources, et al.))	

(AMENDED) MOTION TO CONSOLIDATE CASES

Tom Landwehr, Commissioner of the Minnesota Department of Natural Resources (the “Commissioner”)¹, a defendant in each of the above captioned actions, moves to

¹ This motion amends the Minnesota Department of Natural Resources’ (“DNR”) prior motion to consolidate. That motion stated that the DNR was a defendant in all cases to be consolidated. That is incorrect, as the DNR is not a defendant in the *Sapp* matter. The motion is therefore amended to be brought on behalf of Tom Landwehr, who is a defendant in each of the cases to be consolidated.

consolidate each action into the case *Ness v. Doe*, Case No. 13-185, before Judge Joan N. Ericksen. In support of the motion, the DNR states the following:

1. Copies of the current complaints in each of the above captioned cases are attached hereto as Exhibits.
2. In each of the above captioned cases, the plaintiffs allege that former DNR employee John Hunt illegally accessed the plaintiffs' driver's license information, and plead that the Commissioner is liable for Hunt's actions. Each case also seeks to certify a class of plaintiffs whose data was accessed by Hunt.
3. The Courts in the *Ness* and *Dowling* matters have already ordered consolidation of these two matters on their own initiative.
4. The Commissioner requests that the *Sapp* and *Whigham* matters also be consolidated into the *Ness* matter, pursuant to Rule 42.

Dated: February 22, 2013

OFFICE OF THE ATTORNEY GENERAL
State of Minnesota

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Certificate of Service

I hereby certify that on February 22, 2013, I caused the foregoing Notice of Appearance to be filed electronically with the Clerk of Court through ECF, and ECF will send an e-notice of the electronic filing to the following:

<p>Joshua Williams Law Office of Joshua Williams, PLLC 3249 Hennepin Avenue S., Suite 216 Minneapolis, MN 55408</p> <p>Douglas L. Micko DOUGLAS L. MICKO Crowder, Testke, Katz & Micko, PLLP Attorney Reg. No. 299364 222 South 9th Street, Suite 3210 Minneapolis, Minnesota 55402</p> <p>Attorneys for the Ness Plaintiffs</p>	<p>Daniel E. Gustafson GUSTAFSON GLUEK PLLC Canadian Pacific Plaza 120 South Sixth Street, Suite 2600 Minneapolis, Minnesota 55402</p> <p>Patrick W. Michenfelder GRIES & LENHARDT, P.L.L.P. 12725 43rd Street NE, Suite 201 St. Michael, Minnesota 55376</p> <p>William R. Sieben SCHWEBEL, GOETZ & SIEBEN, P.A. 5120 IDS Center 80 South Eighth Street Minneapolis, MN 55402</p> <p>Attorneys for the Dowling Plaintiffs</p>
	<p>Thomas J. Lyons, Jr. LYONS LAW FIRM, P.A. 367 Commerce Court Vadnais Heights, MN 55127</p> <p>Attorneys for the Whigham Plaintiffs</p>

Dated: February 22, 2013

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